

Broward County, FL
 Ch. 27-12 Management of Industrial Wastes and Hazardous Materials
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CHAPTER 27-12
MANAGEMENT OF INDUSTRIAL WASTES
AND HAZARDOUS MATERIALS

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CHAPTER 27-12
MANAGEMENT OF INDUSTRIAL WASTES
AND HAZARDOUS MATERIALS

I. GENERAL

Section 27-12.01 Declaration of Intent

In order to protect the soils and the waters of Broward County, The Broward County Environmental Quality Control Board, declares that petroleum products and other toxic and hazardous substances in various materials that are improperly stored, dispensed, or otherwise used or improperly disposed are a threat to the environment of the County and public health and safety. Their presence in soil or water constitutes pollution of the waters of Broward County and the same is prohibited. The policy inherent in the standards set forth in Chapter 27-5 is to protect the existing quality of soil and water and to restore or enhance soil and water quality where appropriate.

Specific Auth., Spec. Act 65-1388 Laws of Fla. 1965, as amended.
Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

Section 27-12.02 DEFINITIONS

In construing the provisions of this Chapter, if no definition is provided herein and when the context will permit, publications recognized as authoritative in the scientific and engineering fields shall apply. Such publications include the latest edition of Glossary, Water and Wastewater Control Engineering, jointly published by the American Public Health Association, The American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation; and The Condensed Chemical Dictionary.

Unless otherwise specified, any authorization, license, approval or action provided for in this Chapter, shall be pursuant to the administrative functions and duties of the PCO.

Applicable definitions found in other chapters shall be used in this chapter and definitions found herein apply to all other chapters.

1. Closure means all activities involved in rendering a facility or site harmless to human health and the environment.
2. Container means any device in which material is stored, transported, treated, disposed, or otherwise handled.
3. Corrosivity is the characteristic of a substance having a pH of 2 or less, or 12.5 or more.
4. Direct Discharger means a facility which discharges an effluent waste stream or other pollutant directly to ground to groundwater or surface water.
5. Extraction Procedure (EP) Toxicity is the characteristic of a substance containing any of the contaminants listed in Table 1 of 40 CFR 261.24 at a concentration equal to or greater than the respective value given in the table when analyzed according to the test methods described in 40 CFR 261.24.
6. Ground Waters means water below the surface of the earth, whether it be fresh or marine water.
7. Hazardous Material means any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant actual or potential hazard to water supplies, to human health or to the environment if such substance or mixture is discharged.

It includes any substance that has one or more of the following characteristics; ignitability, Corrosivity, reactivity, toxicity or extraction procedure (EP) toxicity.

It is also construed to mean any substance, compound or mixture appearing in Table 302.4 (40 CFR 302) designated under Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund, CERCLA or the Act).

8. Hazardous Material Facility means any site, area, or other facility (see Ch 27-3.02.9) where a hazardous material has been deposited, stored, disposed or placed, or otherwise comes to be located.
9. Hazardous Waste is a hazardous material which has served its originally intended purpose and has been or is in the process of being discarded, disposed or recycled; or is being stored or accumulated on the premises of a hazardous material facility in order to be eventually discarded, disposed or recycled.
10. Ignitability is the characteristic of a substance having a flash point less than 60 degrees C (140 degrees F).
11. Industrial User (IU) is an industrial facility whose wastewater flows to a Publicly Owned Treatment Works (POTW) whose Pretreatment Program is administered by EQCB.

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II. INDUSTRIAL

Section 27-12.03 PROHIBITIONS

After March 12, 1984, no new industrial wastewater discharge, is permitted, suffered or allowed except as provided for under EQCB license. Industrial wastewater discharges existing on March 12, 1984 and in use since that time shall not be increased in quantity or decreased in quality, unless approved by the PCO upon demonstration that the activity does not pose a significant threat to the public health or environment.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

Section 27-12.04 WASTEWATER PRETREATMENT PROGRAM

.041 GENERAL

- a. When requested by a Publicly Owned Treatment Works (POTW) that is subject to the General Pretreatment Regulations, 40 CFR 403, the Broward County Environmental Quality Control Board (EQCB) shall offer an agreement to the POTW for administering a pretreatment program.
- b. Any pretreatment agreement executed shall provide for payment by the POTW to EQCB in an amount agreed upon by both parties.

.042 SAMPLING POINT

- a. Each industry designated by the POTW shall provide convenient sampling point for its own use and for the use of EQCB representatives.
- b. The sampling point shall be designed so a sample taken will be representative of the effluent discharged to the sewer system at the time the sample is taken or as otherwise required.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised and Renumbered 6/17/87 (Reg. 87-2).

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12. Product Tight means a storage tank or other container is impervious to the material which is or could be contained within it so as to prevent the illegal and/or accidental discharge of the stored product through the containing medium or fittings thereon.
13. Reactivity is the characteristic of a substance having any of the following properties:
 1. It is normally unstable and readily undergoes violent change without detonating.
 2. It reacts violently with water.

3. It forms potentially explosive mixtures with water.
 4. It is capable of detonation or explosive reaction or can generate toxic vapors in sufficient quantities to present a danger to human health or the environment.
14. Secondary Containment is an impermeable membrane or structure in which tanks or containers are placed. For tanks or containers larger than 85 gallons, the secondary containment shall hold 120% of the volume of the largest tank or container. For tanks or containers of 85 gallons or less, the secondary containment shall hold 20% of the combined volume of all the tanks or containers within the secondary containment, but no less than the volume of the single largest tank or container. All materials in secondary containment shall be compatible.
15. Sludge means solid, semi-solid, or liquid waste materials separated from wastewater, other liquids or gases. In this chapter it is also construed to include infectious wastes as defined elsewhere in the EQCB Code of Regulations.
16. Toxicity is the characteristic of a substance which presents an unreasonable risk of injury to health or the environment.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, New Revision 6/12/80 (Reg. 80-1). Amended 6/24/82 (Reg. 82-1), Revised 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

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.043 EFFLUENT STANDARDS

- a. Standards for the quality of the effluent to be accepted by the POTW shall be supplied by the POTW to the EQCB. The standards shall conform to any ordinances or regulations governing the operation of the POTW as well as the Federal Categorical Pretreatment Standards, as amended.
- b. To determine compliance with discharge requirements, effluent testing of connected industries will be compared to the standards referred to in 27-12.043(a) above.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5),

Revised and Renumbered 6/17/87 (Reg. 87-2).

.044 SAMPLING PROGRAM

- a. EQCB will conduct a semi-annual analysis of the POTW influent, effluent and sludge to identify and quantify any of the Priority-Pollutants and selected conventional pollutants that may be present.
- b. The Owner of each connected industry shall sample and test the effluent being discharged to the sewer at intervals and for parameters designated by the PCO.
- c. EQCB shall sample and test periodically and for parameters as necessary and to conform to the stipulations of the Agreement with the applicable POTW.
- d. The owner of each connected industry shall allow EQCB representatives prompt access to the facility at all reasonable hours for the purposes of sampling, testing and inspection.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised and Renumbered 6/17/87 (Reg. 87-2).

.045 LICENSE REQUIRED

All Industrial Users (IUs) whose wastewater flows to a POTW where a pretreatment program is being administered by the EQCB shall be licensed as prescribed in Sections 27-12.051 and 27-12.053.

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Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised and Renumbered 6/17/87 (Reg. 87-2).

.046 COMPLIANCE

Failure of an industrial source to comply with the requirements of this Chapter may result in enforcement action.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5),

Revised and Renumbered 6/17/87 (Reg. 87-2).

.047 ASSISTANCE TO POTW'S

When requested, EQCB will give reasonable assistance to contracting POTW's with respect to reports, grant applications and public participation programs.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised and Renumbered 6/11/87 (Reg. 87-2).

.048 MAINTENANCE OF FILES

EQCB will maintain files of activities performed under the provisions of Section 27-12.04 for a period of at least 3 years.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised and Renumbered 6/17/87 (Reg. 87-2).

Section 27-12.05 LICENSES REQUIRED

.051 GENERAL

The owner shall obtain an EQCB license prior to the commencement of construction, altering, replacing or operating any facility that may cause or be a source of pollution, or that may eliminate, reduce or control pollution of the soil, or groundwater or surface waters. The Pollution Control Officer may waive or modify any or all the specific license conditions listed herein if upon demonstration by the licensee, the PCO is satisfied that the activity does not pose a significant threat to the public health or the environment.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

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.052 INDUSTRIAL DIRECT DISCHARGERS

1. License Required

Any person operating a facility discharging industrial wastewater to ground, groundwater or surface water shall obtain an EQCB license.

2. Limitations

No new industrial direct discharges are allowed after March 12, 1984 except as provided for under EQCB license (Section 27-12.03). Only industrial direct discharge~ existing and in use since March 12, 1984 may be licensed.

3. Application for Renewal License

An application shall include:

- a. Drawings, sketches or other documents that describe the facility.
- b. A statement of the number of hours the facility operates per day and the average daily volume of effluent discharged.
- c. A description of any wastewater treatment used.
- d. Effluent test results showing concentrations or pollutants.
- e. A sketch showing the design and location of the effluent disposal method.

4. License Conditions

- a. Effluent testing shall be done by the licensee monthly with results reported to EQCB and received by EQCB by the 15th of the following month.
- b. Monitor wells may be required if applicable.
- c. The industrial discharge shall conform to the appropriate EQCB standards for secondary treatment.
- d. An industrial discharger shall connect to sanitary sewers and cease discharge within 90 days after the sewer becomes available.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.053 INDUSTRIAL PRETREATMENT FACILITIES

1. License Required

It shall be a violation of this Regulation for any industrial facility to discharge to a POTW for which this agency administers a pretreatment program without first obtaining an EQCB license.

2. Application for License

- a. Drawings, sketches or other documents that describe the facility.
- b. A statement of the number of hours the facility operates per day and the average daily volume of effluent discharged.
- c. A description of any wastewater treatment used.
- d. Effluent test results showing concentrations of pollutants.
- e. A sketch showing the design and location of the effluent disposal.

3. License Conditions

- a. The licensee shall be required to keep records, flow data and analytic data to submit periodically to EQCB.
- b. If the licensee is not in compliance with Effluent Standards as described in 27-12.043 above, it shall obtain an EQCB construction license and provide whatever pretreatment is necessary to attain compliance as specified by EQCB.
- c. Any sludge hauling from the Licensee's facility shall be done by a hauler licensed by the EQCB.
- d. Sludge disposal, if in Broward County, shall be only on a site approved by EQCB.
- e. Other requirements as described in Section 27-1204.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/29/84 (Reg. 84-5), Revised, and Renumbered 6/17/87 (Reg. 87-2).

Section 27-12.06 FEE SCHEDULES

.061 EFFECTIVE DATE

The fees shown hereunder shall apply to all licenses issued after the effective date of Chapter 27-12.

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Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.062 LICENSE APPLICATION FILING FEE

1. Before any application for an EQOB license required under Chapter 27-12 is accepted for review, a filing fee of \$65.00 shall be delivered to the EQCB.
2. Prior to the issuance of any EQCB license required under Chapter 27-12, the license fees prescribed in this Section reduced by the license application filing fee shall be delivered to the EQCB.
3. The license application filing fee is not refundable and may not be applied to any license application other than the one for which it was originally paid.

Specific Auth., Spec; Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.063 LICENSE TRANSFER FEE

Where an application is filed for a license to operate any facility by reason of change of location or transfer from one person to another, or both, and where a license has previously been granted for the facility in accordance with Chapter 27-12 and no unlicensed modifications have been made to the facility, the applicant shall pay only a filing fee of \$65.00.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.064 INDUSTRIAL DIRECT DISCHARGER LICENSE FEE

1. Any proposed industrial wastewater system or facility which will not discharge to a public wastewater collection system shall be assessed a construction license fee in accordance with the following schedule:

DESIGN FLOW	FEE
Up to and including 5,000 Gal/day	\$ 300.00
5,001-10,000 Gal/day	\$ 680.00
10,001-25,000 Gal/day	\$1,200.00
Greater than 25,000 Gal/day	\$1,600.00

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2. Existing industrial wastewater Systems or facilities that discharge to ground or surface water shall be assessed an operation license fee equal to the fees in Section 1 above. These fees shall also apply to both license renewals and extensions.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised 7/3/85 (Reg. 85-3), Revised and Renumbered 6/17/87 (Reg. 87-2).

.065 PRETREATMENT LICENSE FEE

1. Any proposed industrial wastewater system that will discharge to a POTW pretreatment program administered by EQCB shall be assessed construction license fee in accordance with the following schedule:

DESIGN FLOW	FEE
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Up to and including 5,000 Gal/day	\$125.00
5,001-10,000 Gal/day	\$200.00
10,001-25,000 Gal/day	\$275.00
Greater than 25,000 Gal/day	\$350.00

2. Any existing industrial wastewater system that discharges to a POTW pretreatment program administered by EQCB shall be assessed an operation license fee equal to the fees in Section 27-12.065(1).

3. These fees shall apply to both renewals of operating licenses and extensions of construction licenses.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

III. HAZARDOUS MATERIAL

Section 27-12.07 PROHIBITIONS

.071 HAZARDOUS MATERIALS DISCHARGE

Discharge of hazardous materials is prohibited. This prohibition shall not apply to pesticide use conducted pursuant to a license or permit issued by the State under Florida Statute 487 or, a Federal Agency having jurisdiction over such activity.

When a discharge of hazardous materials does occur, the person responsible shall immediately notify EQCB, cease the discharge and arrange immediately to clean up the discharged material. All contaminated material, including ground and water, shall be decontaminated and/or disposed at a location and in a manner approved by EQCB.

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When applicable, EQCB shall require the owner of the site which received the hazardous material discharge to record with the Clerk of the Broward County Court, a description of the nature and extent of the cleanup activity. The form and substance of the document shall be approved by the PCO prior to recordation and a copy shall be furnished

to EQCB.

At some future date, the recording may be modified, altered or deleted if it is demonstrated to EQCB's satisfaction that levels of pollution in the ground or ground water have changed since the date of recording or if discharge prevention measures are initiated or removed.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, New Revision 6/12/80 (Reg. 80-1), Revised and Renumbered 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

.072 HAZARDOUS MATERIAL DISPOSAL SITES

There shall be no hazardous material disposal sites allowed' in Broward County.

Specific Auth., Spec Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

.073 IMPROPER DISPOSAL

It shall be unlawful for any business, industry, institutional or commercial organization to dispose of, or allow disposal of, any hazardous material in a trash or garbage receptacle.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.074 IMPROPER STORAGE

Outdoor storage of hazardous materials at licensed facilities is prohibited, except in product-tight containers that are protected from weather, leakage, accidental damage or vandalism, and that are protected from release to the environment by secondary containment.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

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.081 GENERAL

Prior to the commencement of construction, alteration, replacement or operation any facility that may cause or be a source of pollution, or that may eliminate, reduce or control pollution of the ground, groundwater or surface water, the owner shall obtain an EQCB license.

However upon demonstration by the applicant that there will be no adverse effect to health or the environment, the PCO may waive or modify any or all the specific license conditions listed herein.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

082 HAZARDOUS MATERIAL FACILITY

1. LICENSE REQUIRED

- a. A license is required prior to any person constructing or operating a facility that will store, process, use or manufacture hazardous material(s).

2. EXEMPTIONS

- a. Storage for the purpose of this chapter shall not include storage tank facilities that are required to be licensed under Chapter 27-10.
- b. Dry fertilizers are exempt from the licensing and registration provisions of this chapter when used for normal agricultural purposes on the same property where located. Fertilizers packaged in combination with pesticides or other toxic materials are not exempt by this provision.
- c. Those hazardous material facilities that fall within the guidelines for registration as contained in Section 27-12.09 shall be exempt from the licensing provisions of Section 27-12.08 except as specified in Section 27-12.09 (2) unless it is determined by the PCO that due to the method of storage, use, processing, or the nature of the hazardous materials, the facility should be licensed.

Any facility so exempted from licensing requirements shall

register with EQCB in accordance with Section 27-12.09.

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d. Petroleum and petroleum products stored on the premises of a terminal facility in accordance with Chapter 376, Florida Statutes (1983), as amended, within the purview of a terminal facility certificate of registration for ultimate sale or transshipment are exempt from the hazardous materials licensing, registration and storage provisions of Chapter 27-12.

3. APPLICATION FOR LICENSE

Application for a license to construct or operate a facility that stores, processes, uses or manufactures hazardous materials shall be made on EQCB forms and be accompanied by the following:

- a. Drawings and other documents that describe the hazardous material facility.
- b. A description of the hazardous materials and the applicable Material Safety Data sheets.
- c. A document or drawing showing how secondary containment will be provided.
- d. A Spill Contingency Plan for the cleanup of a discharge of hazardous materials to the environment shall be part of the application but it shall be submitted within 60 days of the license issue date.
- e. If hazardous wastes are generated, include the applicant's EPA hazardous waste ID number.

4. LICENSE CONDITIONS

- a. Any change in the facility or operating procedures that may affect the potential for discharging hazardous materials shall be approved prior to implementation.
- b. The license shall specify the hazardous materials to be allowed within the facility and state that any significant additions must have prior approval if said changes could

affect the requirements for storage or secondary containment.

- c. Any disposed hazardous material including recycled materials shall be reported to the EQCB on a monthly basis, by the 15th day of the following month, and be disposed in accordance with EPA, DER and EQOB requirements.
- d. Any discharge of hazardous material shall be reported to the EQCB immediately.
- e. The Spill Contingency Plan shall be implemented immediately upon discharge.

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- f. It is the licensee's responsibility to require that all facility personnel shall successfully complete a program of classroom instructions and/or on the job training that teaches them to perform their duties in a way that ensures the facility's compliance with The Code of Regulations. The training shall include proper handling and storage of all hazardous materials used at the facility. It shall also include training at least once a year in the Spill Contingency Plan. A record of the name of each employee and the fact that the person has completed the training shall be kept on file on the premises 3 years after his last work day or until the facility is closed.
- g. The licensee shall provide secondary containment for hazardous material stored in containers or above ground tanks. Fuel storage tanks located on the premises of terminal facilities in accordance with Chapter 376, Florida Statutes (1983), as amended, are exempt from this requirement.
- h. Secondary containment for tanks licensed under Section 27-12.082 shall be governed by the following:
 - 1. Underground tanks which are outside the one-foot drawdown contour of a public supply well shall not be required to have secondary containment. New tanks installed shall be of approved materials such as fiberglass, steel clad

with fibre reinforced plastic (FRP), cathodically protected metal, double walled steel or plastic.

2. Proposed underground tanks which will be located inside the one-foot drawdown contour of a public supply well shall be required to have secondary containment.
 3. Existing underground tanks which are inside the one-foot drawdown contour of- a public supply well shall have secondary containment installed at the time the tank(s) is required to be replaced.
- I. Monitor Well(s) shall be required if there are underground tanks.
 - j. Groundwater quality monitoring may be required.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

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.083 HAZARDOUS MATERIAL TRANSFER STATIONS

1. LICENSES REQUIRED

A license is required prior to any person constructing or using any site for the disposal or transfer of industrial liquid, dewatered or dried sludge, or hazardous materials.

2. LIMITATIONS

Hazardous material disposal sites are prohibited in Broward County.

3. APPLICATION FOR LICENSE

Application for a Transfer Station License shall be on EQCB forms and be accompanied by the following data:

- a. Nature of the materials to be received, including source.
- b. A description including documents and drawings that detail the proposed facility, its containment, liners, tanks and appurtenances, the location of ground and surface waters with respect to the site, and other features that bear on pollution considerations.

- C. A maintenance program designed to prevent discharge from the proposed facility.
- d. The details of monitoring wells. These wells shall be designed to provide ground water samples that are representative of the quality of the background water and the waters most likely to become polluted by the facility.
- e. A list of approved disposal facilities.

4. LICENSE CONDITIONS

- a. Materials to be received by the facility shall be listed by type.
- b. Appropriate maintenance by qualified personnel shall be specified.
- c. A receipt and shipment report on the forms provided shall be required.
- d. A periodic groundwater monitoring report on the parameters defined may be required.

27-12/17e. It is the licensee's responsibility to require that all facility personnel shall successfully complete a program of classroom instructions and/or on the job training that teaches them to perform their duties in a way that ensures the facility's compliance with The Code of Regulations. The training shall include proper handling and storage of all hazardous materials used at the facility. It shall also include training at least once a year in the Spill Contingency Plan. A record of the name of each employee and the fact that the person has completed the training shall be kept on file on the premises 3 years after his last work day or until the facility is closed.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, New Revision 6/12/80 (Reg. 80-1), Revised 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

.084 HAZARDOUS INDUSTRIAL SLUDGE TRANSPORTERS

1. LICENSE REQUIRED

A sludge transporter's license is required prior to any person using any truck, truck trailer, tank truck, tank trailer or mobile container for hauling industrial sludge, industrial waste, hazardous waste or infectious waste from the point of generation to a disposal site, transfer station, or recycler, or from transfer station to disposal site or recycler.

2. APPLICATION FOR LICENSE

Application for Sludge Transporters Licenses shall be on EQCB forms and be accompanied by the following data:

- a. A description of the vehicle.
 - 1. Truck, truck trailer, tank truck, tank trailer or mobile container;
 - 2. Hauling capacity of each compartment;
 - 3. Whether or not it has onboard pumps;
 - 4. Its Florida license plate number.
- b. A description of the materials to be hauled:
 - 1. Types of materials to be hauled;
 - 2. Quantities to be hauled.

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.085 HAZARDOUS MATERIAL FACILITY CLOSURE

1. LICENSE REQUIRED

- a. A person operating a facility where hazardous materials have been or are stored, processed, or otherwise used, generated or disposed, shall upon cessation of operation of all or part of the facility, be required to initiate a licensed facility closure.
- b. If the applicant or operator of the facility fails to complete the required facility closure involving hazardous material, the property owner shall be held liable to properly complete the closure.
- c. The Pollution Control Officer may waive or modify any or all of the specific closure license requirements listed herein if upon demonstration by the owner or operator of the facility or site subject to closure, the PCO is satisfied that no actions will be necessary to render the facility or site harmless to human health and the environment.

2. CONTENT OF FACILITY CLOSURE LICENSE APPLICATION

- a. The hazardous material facility to be closed shall submit a closure plan and license application for approval 90 days prior to full or partial closure and complete the planned work in a timely manner.
- b. A closure plan shall be signed and sealed by a professional engineer registered in Florida.
- c. The plan shall identify and describe all operations where hazardous materials are and were stored, processed, dispensed or otherwise used or generated or disposed.

- d. The plan shall refer to all hazardous material stored, used or generated at the facility.
- e. The plan shall describe a scheduled program of activities that will render the facility harmless to human health and the environment. It shall include but shall not be limited to, a program of sampling, analysis required by a contaminant assessment plan; and a program of cleanup or remediation of environmental damages. Also, the plan should address the cleanup of buildings, machinery, tools, tanks, containers, and soils; and disposal of other materials contaminated with hazardous materials and removal and appropriate disposal of any unused hazardous materials.

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- f. If applicant is the owner of the property on which the closure is to take place, he shall so state. If he is not the owner, he shall supply the name, address and phone number of the owner.

3. HAZARDOUS MATERIAL FACILITY CLOSURE DEED RECORDATION

When applicable, EQCB shall require the owner of the site which received tile hazardous material discharge to record with the Clerk of the Broward County Court, a description of the nature and extent of the cleanup activity. The form and substance of the document shall be approved by the PCO prior to recordation and a copy shall be furnished to EQCB. At some future date, the recording may be modified, altered or deleted if it is demonstrated to EQCB's satisfaction that levels of pollution in the ground or groundwater have changed since the date of recording or if discharge prevention measures are initiated or removed.

Specific Auth., Sec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

Section 27-12.09 REGISTRATION REQUIRED

- 1. Facilities that store, use or process hazardous materials that total less than the following certain amounts shall be required to obtain an EQCB Registration in lieu of license and shall apply for an EQCB Registration within 30 days after this regulation is effective or within 30 days of notification by the FCO. Registration period shall not exceed 3 years.
 - a. Total monthly usage shall be 8.33 gallons or less.
 - b. Total storage shall not exceed 25 gallons.
 - c. For purposes of Sections 27-12.09 (1) (a) and (b), quantities of material reported by weight in units of pounds shall be converted to an approximate volume equivalent in units of gallons by dividing the total number of pounds by ten (10). That number of equivalent gallons will be added to the volume of materials reported in gallons to determine the total monthly usage (Section 27-12.09 (1) (a)) and the total storage (Section 27-12.09 (1) (b)).

d. Updated inventory list shall be provided to EQCB not later than the anniversary of Registration each year.

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2. APPLICATION INFORMATION AND REGISTRATION CONDITIONS

The provisions for licenses contained in Sections 27-12.082 (3) (a) and (b) and 27-12.082 (4) (b) and (d) shall apply to Registrations except that the PCO may require that Registrations be converted to full licenses if violations of regulations occur.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

Section 27-12.10 FEE SCHEDULE

.101 EFFECTIVE DATE

The fees shown hereunder shall apply to all licenses and registrations issued after the effective date of Chapter 27-12.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.102 LICENSE APPLICATION FILING FEE

1. Before any application for an EQCB license required under Chapter 27-12 is accepted for review, a filing fee of \$65.00 shall be delivered to the EQCB.
2. Prior to the issuance of any EQCB license required under Chapter 27-12, the license fees prescribed in this Section reduced by the license application filing fee shall be delivered to the EQCB.
3. The license application filing fee is not refundable and may not be applied to any license application other than the one for which it was originally paid.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

.103 LICENSE TRANSFER FEE

Where an application is filed for a license to operate any facility by reason of change of location or transfer from one person to another, or both, and where a license has previously been granted for the facility in accordance with Chapter 27-12 and no unlicensed modifications have been made to the facility, the applicant shall pay only a filing of \$65.00.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965 as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

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12.104 HAZARDOUS MATERIAL FACILITY FEE

Any proposed or existing industry or other activity that stores, processes, manufactures or uses hazardous materials shall be assessed a construction, operating or registration fee in accordance with the following schedule:

QUANTITY OF HAZARDOUS MATERIAL USED ANNUALLY	LICENSE FEE	REGISTRATION FEE
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0 thru 100 Gals	\$65.00	\$100.00
More than 100 thru 500 Gals.	\$130.00	
More than 500 thru 1000 Gals.	\$200.00	
More than 1000 thru 2500 Gals.	\$260.00	
More than 2500 Gals.	\$325.00	

Quantities of material reported by weight in units of pounds shall be converted to an approximate volume equivalent in units of gallons by dividing the total number of pounds by ten (10). That number of equivalent gallons will be added to the volume of materials reported in gallons to determine the total gallons used annually, which will then be entered in the above table to determine the license fee.

When a hazardous material facility license is issued simultaneously with a storage tank facility license, the fees listed above may be prorated to establish a common expiration date for both licenses. These fees shall also apply to both licenses and registration renewals and extensions.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 3/12/84 (Reg. 84-2), Revised 7/3/85 (Reg. 85-3), Revised and Renumbered 6/17/87 (Reg. 87-2).

.105 HAZARDOUS MATERIAL TRANSFER STATION LICENSE FEE

All proposed hazardous material and industrial sludge transfer stations shall be assessed a construction license fee of \$250.00. All existing hazardous material and industrial sludge transfer stations shall be assessed an operation license fee of \$200.00. These fees also apply to time extensions and renewals.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, New Revision 6/12/80 (Reg. 80-1), Amended 9/30/81 (Reg. 81-3), Amended 7/29/82 (Reg. 82-6), Revised and Renumbered 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

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.106 HAZARDOUS INDUSTRIAL SLUDGE TRANSPORTERS FEE

All vehicles and mobile containers that are used to transport industrial sludge or hazardous waste shall be assessed an operating license fee of \$130.00 per vehicle or mobile container. This fee also applies to renewals. Replacement of a lost or damaged tag will be made for \$20.00.

Specific Auth., Spec. Act 65-1338 Laws of Fla.1965, as amended. Charter Ref. Sec.8.17, 1974. History, New Revision 6/12/80 (Reg. 80-1), Amended 9/30/81 (Reg. 81-3), Amended 7/29/82 (Reg. 82-6), Revised and Renumbered 3/12/84 (Reg. 84-2), Revised and Renumbered 6/17/87 (Reg. 87-2).

.107 HAZARDOUS MATERIAL FACILITY CLOSURE FEE

The license fee for a hazardous material facility closure shall be \$300.00. Those petroleum storage systems designated as qualified sites under the Early Detection Incentive Program, Section 376.3071 (9) Florida Statutes (1986), are exempt from the payment of this fee.

Specific Auth., Spec. Act 65-1338 Laws of Fla. 1965, as amended. Charter Ref. Sec. 8.17, 1974. History, Added 6/17/87 (Reg. 87-2).

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